

1 AMENDING THE PUBLIC WORKS CODE BY ADDING ARTICLE 4.1 THERETO  
2 RELATING TO THE REGULATION OF THE QUALITY AND QUANTITY OF  
3 DISCHARGES OF INDUSTRIAL WASTE SUBSTANCES, INCLUDING, BUT NOT  
4 LIMITED TO, LIQUID, SOLID, GASEOUS OR RADIOACTIVE SUBSTANCES  
5 RESULTING FROM ANY PRODUCING, MANUFACTURING, PROCESSING, COM-  
6 Mercial OR INDUSTRIAL OPERATION OF WHATEVER NATURE, AS DISTINCT  
7 FROM SANITARY SEWAGE. DEFINING INDUSTRIAL WASTES THEREIN,  
8 ESTABLISHING PROCEDURES FOR ANALYSES, TESTS, AND MEASUREMENTS,  
9 INCLUDING BUT NOT LIMITED TO THOSE PROCEDURES IN THE TWELFTH  
10 EDITION OF "STANDARD METHODS FOR THE EXAMINATION OF WATER AND  
11 SEWAGE", PUBLISHED JOINTLY BY THE AMERICAN PUBLIC HEALTH ASSO-  
12 CIATION, THE AMERICAN WATER WORKS ASSOCIATION, AND THE WATER  
13 POLLUTION CONTROL FEDERATION. ESTABLISHING PROCEDURES FOR  
14 ENFORCEMENT THEREOF, PROVIDING FOR SCHEDULE OF FEES FOR THE  
15 DISCHARGE OF WASTES, PROVIDING FOR THE ADMINISTRATION, AND  
16 COLLECTION OF SAID FEES, AND PROVIDING FOR CERTAIN OTHER FILING  
17 FEES, ESTABLISHING AN INDUSTRIAL WASTES REVIEW BOARD, PROVIDING  
18 FOR AN APPEAL PROCEDURE, PROVIDING FOR PENALTIES FOR VIOLATION  
19 OF THE PROVISIONS THEREOF: PROVIDING AN EFFECTIVE DATE, AND  
20 REPEALING SECTIONS 118 TO AND INCLUDING 140 OF THE PUBLIC WORKS  
21 CODE AND PROVIDING FOR A SEVERABILITY CLAUSE AND A SAVINGS  
22 CLAUSE.

23  
24 Be it Ordained by the People of the City and County of  
25 San Francisco:

26  
27 SECTION 1. Part II, Chapter X, of the San Francisco Muni-  
28 cipal Code (Public Works Code) is hereby amended by adding  
29 Article 4.1 thereto, to read as follows:  
30

ARTICLE 4.1

INDUSTRIAL WASTE DISCHARGE REGULATIONS

DIVISION 1 -- GENERAL PROVISIONS

SEC. 118. Purpose of Ordinance. This Ordinance is for the purpose of regulating and controlling the quality and quantity of discharges from producing, manufacturing, processing, commercial or industrial operations in order that the wastes being discharged from these sources shall not adversely affect any of the following to a greater degree than would result from the discharge of sanitary sewage:

- (a) the personnel employed in the operation and maintenance of the Sewerage System;
- (b) the appurtenances of the Sewerage System;
- (c) the cost of operation of the Sewerage System;
- (d) the quality of the effluent from the City's Water Pollution Control Plants;
- (e) the quality of the receiving waters with respect to any and all requirements that may be established by the Regional Water Quality Control Board for the San Francisco Bay Region, or other authorized Board or Agency.

SEC. 119. Adopting by Reference, Standard Methods for the Examination of Water and Sewage. The Twelfth Edition of "Standard Methods for the Examination of Water and Sewage," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation is hereby adopted by reference for definitions, laboratory procedures of analysis, and tests and measurements, to which reference is made in this article.

1 SEC. 119.1 Additional Procedures - Authority for  
2 Director to Adopt. Where no test or procedure is provided  
3 in the "Standard Methods" adopted in Sec. 119, the Director  
4 shall establish necessary test procedures pursuant to  
5 Sec. 123.<sup>116</sup><sub>15</sub> X

6  
7 SEC. 119.2 Interpretation. In the event of any  
8 conflict between a definition provided for in "Standard Methods",  
9 and a specific provision in this article, the specific provision  
10 of this article shall govern. Appeals on interpretation of any  
11 definition in conflict may be made to the Industrial Waste  
12 Review Board in accordance with established procedures.

13  
14 SEC. 120. Definitions. For the purpose of this  
15 article, the following words and phrases shall mean and include  
16 the definitions of the following subsections:

17  
18 SEC. 120.1 Sanitary Sewage. The water-carried  
19 wastes from residences of commercial or industrial establish-  
20 ments contributed solely by reason of human occupancy, except-  
21 ing wastes from the commercial preparation and dispensing of  
22 food and beverages.

23  
24 SEC. 120.2 Industrial Waste. Any waste substances,  
25 as distinct from sanitary sewage, including but not limited  
26 to liquid, solid, gaseous, and radioactive substances resulting  
27 from any producing, manufacturing, processing, commercial or  
28 industrial operation of whatever nature.

29  
30 SEC. 120.3 Normal Raw Sewage. The strength, char-  
31 acteristics, and appearance of the raw sewage entering the  
32 Richmond-Sunset Water Pollution Control Plant.

1                   SEC. 120.4   Order.   Department of Public Works order.

2

3                   SEC. 120.5   Director.   The Director of the Depart-  
4   ment of Public Works of the City and County of San Francisco or  
5   a designated representative of the Director.

6

7                   SEC. 120.6   Person.   An individual, firm, partner-  
8   ship, joint venture, association, social club, fraternal organi-  
9   zation, joint stock company, corporation, estate, trust, busi-  
10   ness trust, receiver, trustee, syndicate, or any group or a com-  
11   bination acting as a unit, the United States of America, the  
12   State of California and any political subdivision of either  
13   thereof, and any public entity organized pursuant to the laws  
14   of the State of California.

15

16 X               SEC. 120.7   City.   City shall mean the City and  
17 X   County of San Francisco.

18

19 X               SEC. 120.8   Water Department.   Water Department shall  
20 X   mean the San Francisco Water Department.

21

22                   SEC. 120.9   Discharger.   The owner of record, the  
23   lessee, sublessee, mortgagee in possession, or any person  
24   responsible for the process which contributes industrial waste.

25

26                   SEC. 120.10.   Sewerage System.   All City-owned  
27   facilities for collecting, pumping, treating and disposing of  
28   sanitary sewage, industrial wastes, and surface runoff.

29

30                   SEC. 120.11   Water Pollution Control Plant.   Any  
31   arrangement of devices and structures used for the treating and  
32   disposal of sanitary sewage, industrial wastes, and surface  
33   runoff.

1                   SEC. 120.12   Cooling Water.   The water discharged  
2   from any system of condensation, air conditioning, cooling,  
3   refrigeration, or other process from which a discharge of water  
4   takes place.

5  
6                   SEC. 120.13   Garbage.   Solid wastes from the domes-  
7   tic and commercial preparation, cooking, and dispensing of food,  
8   and from the handling, storage, and sale of food products.

9  
10                  SEC. 120.14   Properly Ground Garbage.   The wastes  
11   from the preparation, cooking, and dispensing of food which has  
12   been shredded to such a degree that all particles will be  
13   carried freely under the flow conditions normally prevailing in  
14   the public sewers of the City and County of San Francisco.

15  
16                   DIVISION 2 -- PROHIBITED WASTE DISCHARGES

17  
18                  SEC. 121.   Exclusion of Wastes.   No person shall  
19   discharge, deposit, or throw, or cause, allow or permit to be  
20   discharged, deposited or thrown into the City's Sewerage System  
21   any substance of any kind whatever tending to obstruct or injure  
22   the Sewerage System, or cause a nuisance; or which will in any  
23   manner interfere with the proper operation, repair or mainten-  
24   ance of the Sewerage System, or will in any way render it diffi-  
25   cult for any workmen to repair any part of the Sewerage System  
26   and shall include, but not be limited to:

27   (a)   Ashes, cinders, sand, gravel, dirt, bark, leaves,  
28         grass cuttings and straw, metals, glass, ceramics  
29         and plastics, or any other solid or viscous sub-  
30         stance capable of causing obstruction to the flow  
31         in sewers.

32   (b)   Flammable or explosive substances or any other  
33         substances which may interact with other wastes

1 x to cause flammable or explosive conditions in  
2 the Sewerage System.

3 (c) Mineral oils, greases or other products of  
4 petroleum origin.

5 (d) Garbage, excepting Properly Ground Garbage from  
6 dwellings and restaurants or other establish-  
7 ments engaged in the preparation of foods and  
8 beverages intended primarily for immediate con-  
9 sumption.

10 (e) Any toxic, noxious or malodorous gas or substance  
11 which either singly or by interaction with other  
12 x wastes, is capable of creating a nuisance or  
13 hazard to life and limb or of preventing main-  
14 tenance of the Sewerage System.

15  
16 DIVISION 3 -- LIMITATIONS ON WASTE DISCHARGES  
17 AND FEES THEREFOR

18 SEC. 122. Limitations on Discharges. The charac-  
19 teristics of any Industrial Waste discharged into the Sewerage  
20 System shall not exceed the numerical limits set forth below:

	<u>Limiting Values</u>
21	
22 (a) pH	5.5 min.; 8.5 max.
23 (b) Phenols, mg/l	0.5
24 (c) Dissolved Sulfides, mg/l	0.5
25 (d) Temperature (except where higher 26 temperatures are required by law)	125°F
27 x (e) Turbidity (Jackson Turbidity Units)	70
28 (f) Toxicity (96-hour TLm bioassay)	75%

29 SEC. 122.1 Limitations Based on Normal Raw Sewage.

30 Any substance in any Industrial Waste discharge which, in  
31 accordance with Sec. 118, may adversely affect the operation or  
32 maintenance of the Sewerage System, or cause the effluent from

1 the City's Water Pollution Control Plants to exceed state or  
2 federal regulations and for which no specific limit has been  
3 established shall not exceed the concentration of said sub-  
4 stance in Normal Raw Sewage.

5  
6 SEC. 122.2 Radioactive Waste. No person shall  
7 discharge or cause to be discharged any radioactive waste into  
8 the Sewerage System, except where:

- 9 (a) the person is authorized to use radioactive  
10 materials by the Atomic Energy Commission or  
11 other governmental agency empowered to regulate  
12 the use of radioactive materials;  
13 (b) the waste is discharged in strict conformity  
14 with Atomic Energy Commission recommendations  
15 for safe disposal of radioactive wastes; and  
16 (c) the person discharging the radioactive waste  
17 assumes full responsibility for any injury to  
18 maintenance or operational personnel or damage  
19 to the Sewerage System that may result from such  
20 discharge. Any person discharging a radioactive  
21 waste to the Sewerage System in accordance with  
22 the provisions of the preceding paragraph shall  
23 submit to the Director such reports as the Dir-  
24 ector may deem necessary. In the event of any  
25 accidental spill of any radioactive material  
26 into the Sewerage System, the person responsible  
27 x shall immediately, and in the most expeditious  
28 manner notify the Director.

29  
30 SEC. 122.3 Permissible Discharges; Fee Schedule.  
31 The following substances in the concentrations indicated may be  
32 discharged into the Sewerage System provided that Industrial

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cc

1 Wastes containing permissible concentrations of these sub-  
2 stances are discharged as set forth in the Fee Schedule and  
3 one or more composite samples, collected at suitable locations,  
4 over a representative period, shall be used to determine the  
5 concentration of grease, suspended matter and chemical oxygen  
6 demand in the waste discharge into the Sewerage System. The  
7 concentrations of these substances shall not exceed the maximum  
8 limits set forth in the Fee Schedule, except as exempted hereinafter; or  
9 made application for, and been granted a variance in accordance  
10 with the procedures set forth in the article.

11 The Director, at the variance hearing or the Indus-  
12 trial Waste Review Board on appeal, shall impose an additional  
13 charge per day to compensate for the increased cost to the City  
14 if a variance is granted.

15 FEE SCHEDULE

16	GROUP	GREASE	SUSPENDED MATTER	CHEMICAL OXYGEN DEMAND
17	a. Domestic			
18	Loading	0-59 mg/l	0-359 mg/l	0-699 mg/l
19	Rate:	Min. charge	Min. charge	Min. charge
20	b. Light			
21	Loading	60-119 mg/l	360-449 mg/l	700-899 mg/l
22	Rate:	\$.03 per lb.	\$.025 per lb.	\$.015 per lb.
23	c. Average			
24	Loading	120-179 mg/l	450-529 mg/l	900-1099 mg/l
25	Rate:	\$.04 per lb.	\$.025 per lb.	\$.015 per lb.
26	d. Moderate			
27	Loading	180-239 mg/l	530-619 mg/l	1100-1299 mg/l
28	Rate:	\$.045 per lb.	\$.025 per lb.	\$.015 per lb.
29	e. Heavy			
30	Loading	240-300 mg/l	620-700 mg/l	1300-1500 mg/l
31	Rate:	\$.05 per lb.	\$.025 per lb.	\$.015 per lb.
32	f. Maximum Limit	300 mg/l	700 mg/l	1500 mg/l
33	Rate:	TO BE DETERMINED AT THE VARIANCE HEARING.		

30 For the purpose of determining the applicable group  
31 in the fee schedule, the concentration of substances of the  
32 waste discharge will be adjusted by subtracting the domestic  
33 loading of group (a) from the Discharger's loading.

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The maximum loading limits of 700 mg/l for Suspended Matter and 1500 mg/l for Chemical Oxygen Demand will not take effect until July 1, 1973, and thereafter will be imposed on Industrial Waste Dischargers within the area tributary to a treatment plant only when the effluent from that treatment plant is, or in the opinion of the Director threatens to be, in violation of any water quality requirements related to Suspended Matter and Chemical Oxygen Demand imposed on the City.

When loadings in excess of the maximum loadings contained in the foregoing schedule are permitted, surcharges shall be assessed at the same rate established for loadings below the maximum levels established herein.

1 Milligrams per liter--Conversion. Milligrams per  
2 liter shall mean a <sup>weight</sup> ~~volume~~ to <sup>volume</sup> ~~weight~~ ratio; the milligrams per X  
3 liter value multiplied by the factor .00624 shall be equivalent  
4 to pounds per 100 cubic feet of water consumption.

5 The charge for each substance being discharged shall  
6 be the pounds per 100 cubic feet multiplied by 80% of the gross  
7 water consumption multiplied by the applicable rate per pound.

8 Water consumption shall be the volume of water as  
9 metered by the Water Department or where necessary, as esti-  
10 mated by the Director, except where the Discharger demonstrates  
11 greater use in his process as set forth in Sec. 123.2(i)..

12 The charges will be calculated for each substance  
13 discharged and the <sup>monthly</sup> Industrial Waste charge shall be the total X  
14 of 100% of the highest <sup>substance</sup> / charge, 50% of the next highest  
15 substance charge, and 25% of the lowest / charge computed  
16 from Fee Schedule in Sec. 122.3."

17 The charge to restaurants per 100 cubic feet of water  
18 used will only be the rate for grease as set forth in Group e.

19 The minimum industrial waste discharge fee for each  
20 monthly billing period is to be \$2.00.

21 SEC. 122.4 Authority to Set Rates on Industry-Wide  
22 Basis. The Director may, after a public hearing, determine  
23 the applicable rates for Industrial Waste Discharges on an  
24 industry-wide basis. The decision of the Director shall be  
25 final 30 days after filing his written decision setting the  
26 rates for the discharges on an industry-wide basis. When an  
27 industry-wide rate has been determined by the Director, and  
28 any appeal to the Industrial Waste Review Board, hereinafter  
29 referred to as the "Board" and consisting of members as set  
30 forth under Section 124, therefrom has become final, the rate  
31 schedule shall be applicable to all within that group. The  
32 Board shall not accept nor hear a second appeal from an indivi-

1 dual Discharger within one year unless or until a declaration  
2 is filed by the Discharger showing that he has installed a pre-  
3 treatment facility, or made other substantial changes. An in-  
4 X dividual discharger may demonstrate that he should be exempted  
5 X from the "industry-wide fee" and be subject thereto to the fee  
6 X schedule set forth for Industrial Waste Discharges.

7  
8 SEC. 122.5 Authority to Assess Additional Charges  
9 for Impairment to the Sewerage System Caused by the Discharge  
10 of Industrial Waste. When the discharge of an industrial  
11 waste causes an obstruction, damage or other impairment to the  
12 Sewerage System, the Director may either assess a charge against  
13 the Discharger for the work required to clean or repair the  
14 facility and/or impose a higher appropriate rate for the sub-  
15 stance discharged.

16  
17 SEC. 122.6 Authority to Limit Quantity of Discharge.  
18 The Director may limit the quantity of any discharge if he finds  
19 that the capacity of any part of the Sewerage System would be  
20 overtaxed by the discharge, or the quantity would impose a dis-  
21 proportionate cost to the operation of the Sewerage System. The  
22 provisions of this section shall apply to Cooling Water,  
23 or other discharges from building heating, cooling or air condi-  
24 tioning systems or in cases of the use of dilution water to  
25 reduce the concentration of the waste.

26 DIVISION 4 -- ADMINISTRATIVE PROVISIONS

27  
28 X SEC. 123. Establishment of a Special Fund to be  
29 X Known as the Industrial Waste Fund; Purposes Thereof; Authori-  
30 X zing Appropriations Therefrom. There is hereby established a  
31 X special fund for the purpose of receiving fees as set forth in  
32 X Sections 122.3 and 122.4 and 122.5, collected for the discharge

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(ALL OF PG. 11 HAS BEEN ADDED SINCE REV. III)

1 of wastes from producing, manufacturing, processing, or commer-  
2 cial or industrial operation.

3 All monies collected and deposited in this special  
4 fund shall be used solely for the following purposes:

- 5 (1) Administrative expenses for the billing  
6 and collection of fees;  
7 (2) Maintenance and operation, including equipment  
8 for characterizing industrial waste, of the  
water pollution control programs.

9 In the accomplishment of the above purposes it is  
10 the intent of the Board of Supervisors to use the funds col-  
11 lected as a supplement to the funds appropriated for the main-  
12 tenance and operation of the water pollution control programs.

13 The expenditures from said fund for the purposes  
14 specified above shall be made upon the recommendation of the  
15 Director of Public Works and approval of the Chief Administra-  
16 tive Officer in accordance with the fiscal provisions of the  
17 Charter, and the Controller is hereby authorized and directed  
18 to approve said expenditures and the said expenditures are  
19 hereby appropriated in accordance with the provisions set forth  
20 above..

21

22 SEC. 123.1 Fees, Collection Thereof, Penalties  
23 Imposed for Failure to Pay. The fees imposed by this article,  
24 except delinquency penalty fees,  
/ shall be collected from the Discharger by the Water Department.  
25 The amount collected shall be transmitted to the  
26 Treasurer for deposit to the credit of the Special Fund. The  
27 fees shall be collected insofar as practicable at the same time  
28 as and along with the collection of charges made in accordance  
29 with the regular billing practice of the Water Department. The  
30 collection of the fee from a Discharger shall commence with  
31 the beginning of the first regular billing period applicable  
32 to that person after the effective date of

1 this article. Any fee required to be paid by a Discharger  
2 required to be remitted to the Water Department shall be deemed  
3 a debt owed to the City. Any person owing money to the City  
4 under the provision of this article shall be liable to action  
5 brought in the name of the City and County for the recover of  
6 such amount.

7 Fees which are not remitted to the Water Department  
8 on or before the due dates are delinquent.

9 Failure by a Discharger to pay any fees herein im-  
10 posed shall result in the following interest and penalties on  
11 the Discharger:

12 (1) Any Discharger who fails to pay any fee imposed  
13 by this article within one hundred and twenty  
14 (120) days of the date of the receipt of notice  
15 of fees due from the Water Department shall pay  
16 a penalty of ten percent (10%) of the amount of  
17 the fee.

18 (2) Any Discharger who fails to pay any delinquent  
19 fees on or before a period of one hundred and  
20 eighty (180) days of the date of the receipt of  
21 notice of fees due from the Water Department  
22 shall pay a second delinquency penalty of  
23 ten percent (10%) of the amount of the fee and  
24 the ten percent (10%) penalty first imposed.

25 (3) In addition to the penalties imposed in this  
26 section, any Discharger who fails to pay any fee  
27 imposed by this article, shall pay interest at  
28 the rate of six percent (6%) per annum, exclu-  
29 sive of penalties, from the date on which the  
30 fees first became delinquent until paid, and a  
31 collection charge of ten dollars (\$10.00) for  
32 each delinquent account.

- 1 x (4) Every penalty imposed upon a Discharger and such  
2 x interest as accrues, under the provision of this  
3 x section, shall become a part of the fees required  
4 x to be paid.
- 5 x (5) The procedure for collection of penalties,  
6 x interest and collection charges imposed in this  
7 x section shall be determined by the City.  
8 x  
9 x  
10 x  
11 x  
12
- 13 SEC. 123.2 Director's Hearings. The Director shall  
14 hold a public hearing for the purpose of passing a Departmental  
15 Order requiring any Discharger to comply with the provisions of  
16 this article, including, but not limited to the following:
- 17 (a) Establishing discharge requirements (Sec. 122.1).  
18 (b) Imposing limitation on quantity of discharge  
19 (Sec. 122.6).  
20 (c) Establishing self-monitoring and sampling sche-  
21 dules and facilities; provided these items may  
22 be excluded from the hearing if the Discharger  
23 agrees in writing to conduct a program satis-  
24 factory to the Director (Sec. 123.3.2 and 123.3.3)  
25 (d) Providing for reimbursement for additional costs  
26 x (Section 123.5)  
27 x (e) Granting variances (Section 123.6).  
28 x (f) Establishing time schedules (Section 123<sup>8</sup>). X  
29 (g) Allowing extensions of time for compliance  
30 x (Section 123<sup>10</sup>). X  
31 (h) Providing for the assessment of additional charges  
32 x for cleaning or repair (Section 122.5).

(i) Providing for the adjustment of fees where less than 80% of the metered water used is discharged into the sewer.

(j) Providing for rates on industry-wide basis (Section 122.4).

A written notice setting forth the date of the hearing shall be sent to the Discharger by certified mail 30 days in advance of the hearing. When necessary said notice shall include a copy of the staff report and recommended action and shall advise the Discharger that he may submit evidence at the hearing. In the event that the Director deems it necessary to hold a public hearing in order to determine the applicable industrial waste discharge rates on an industry-wide basis, notice shall be given by publication in a newspaper of general circulation in the City for at least 2 days, not less than ten days prior to the date of the hearing.

SEC. 123.3 Waste Discharge Report. When required by the Director, a Discharger shall complete and file with the Director, within 30 days after written notification, a Waste Discharge Report on forms furnished by the Director and shall pay the Waste Discharge Report Fee as set forth in Section 125.2 Schedule of Fees. On written request, the Director may extend the time for filing an additional 30 days. Further extensions of time may only be granted by the Director at a public hearing. The Waste Discharge Report shall include, but not be limited to, materials used, nature of the process, volume, rates of flow, substances and concentrations in the waste discharge. The foregoing examples are in explanation and not in limitation of the information which the Director may require. A Waste Discharge Report shall be filed whenever a process change causes a substantial change in the waste being discharged or when requested

1 X by the Director; however in the latter case a Waste Discharge  
2 X Report will not be required more frequently than <sup>every</sup> two years.  
3 If the Discharger fails to file a Waste Discharge Report, the  
4 Director, after a public hearing, may take action as set forth  
5 in Section 126.4, Abatement of Discharge.

6  
7 X SEC. 123.3.1 Disclosure of Information. It is  
8 X unlawful for the Director or any person having an administrative  
9 X duty under this Article to make known in any manner whatever the  
10 X business affairs, operations, or information obtained by an  
11 X investigation of records and equipment of any operator or any  
12 X other person visited or examined in the discharge of official  
13 X duty, or the amount or source of income, profits, losses, ex-  
14 X penditures or any particulars thereof to be seen or examined by  
15 any person.

16 SEC. 123.3.2 Sampling and Analysis Program and  
17 Sampling Facility. The Director may require the Discharger to  
18 conduct a sampling and analysis program of a frequency and type  
19 stipulated by the Director to demonstrate compliance with <sup>prescribed</sup> /  
20 waste discharge requirements. The Discharger may either:

21 (a) conduct his own sampling and analysis program pro-  
22 vided he demonstrates to the Director that he has  
23 the necessary qualifications and facilities to  
24 perform the work; or

25 (b) engage a private consulting firm or laboratory,  
26 certified by the State of California, Department  
27 of Public Health, for water quality or sewage  
28 work.

29 The Director may require a Discharger to construct, at  
30 the Discharger's expense, a sampling facility on the side sewer  
31 in the street or sidewalk area with necessary related measuring and  
32 sampling equipment, in accordance with current City standards.  
32 X The construction shall be completed within the time set forth in



1 / the time schedule.

2

3 SEC. 123.3.3 Monitoring of Waste Discharges. If  
4 required by the Director, the quantity and quality of waste dis-  
5 charged shall be monitored by the Discharger as set forth in  
6 Sec. 123.3.2 at the Discharger's expense and the results thereof  
7 submitted to the Director. The Discharger shall pay an annual  
8 Self-Monitoring Program Review Fee as set forth in Section 125.2

9

10 X SEC. 123.3.4 Monitoring of Waste Discharges by Other  
11 X Agencies. If required by the Director, the quality and quantity  
12 X of waste from <sup>governmental</sup> agencies being discharged into the Sewerage  
13 X System by agreement with the City shall be sampled at certain  
14 X specified locations prior to the discharge into the Sewerage  
15 System.

16 SEC. 123.4 Right to Enter Premises. Upon showing  
17 proper credentials, persons authorized by the Director, when  
18 X necessary for the performance of their duties, shall have the  
19 X right to enter the Discharger's premises.

20

21 SEC. 123.5 Reimbursement for City's Additional  
22 Costs. The Director may enter into an agreement with the  
23 Discharger whereby the Discharger shall reimburse the City for  
24 additional cost of treatment, pumping, maintenance of the  
25 Sewerage System, administration, penalties imposed by enforcement  
26 agencies and incidental expenses resulting from his discharge  
27 other than as provided in Section 122.3.

28

29 SEC. 123.6 Variances.

30 (a) General. The Director shall hear and make deter-  
31 minations regarding applications for variances from  
32 the strict application of standards in this Article.

1 He shall have power to grant only such variances as  
2 may be in harmony with the general purpose and intent  
3 of this Article and in accordance with the general and  
4 specific rules contained herein, necessary to overcome  
5 such practical difficulty or unnecessary hardship as  
6 may be created by the provisions of this Article. No  
7 variance shall be granted in whole or in part which  
8 would adversely affect to a greater degree than would  
9 result from the discharge of Normal Raw Sewage, the  
10 purposes set forth in Section 118(a), (b), (d) and (e)

11 (b) Initiation. A variance action may be initiated by  
12 application of the Discharger or his authorized agent.

13 (c) Determination. No variance shall be granted in whole  
14 or in part unless there exist facts sufficient to  
15 establish that the discharge of such Industrial Waste  
16 into a sewer would be safe and not injurious to  
17 persons and property. In granting any variance as  
18 provided herein, the Director or the Board on appeal,  
19 shall specify the character and extent thereof, and  
20 shall also prescribe such conditions as are necessary  
21 to secure the objectives of this Article.

22 (d) Content of Applications. The content of applications  
23 shall be in accordance with the policies, rules and  
24 regulations of the Department of Public Works. All  
25 applications shall be upon forms prescribed therefor,  
26 and shall contain or be accompanied by all information  
27 required to assure the presentation of pertinent facts  
28 for proper consideration and for the permanent record.

29 (e) Revocation. The Director, after a public hearing and  
30 after the time schedule established, shall revoke  
31 such variance when he finds that conditions have  
32 changed and a continuance of the variance would

1 adversely affect the standards provided in Sections  
2 118, 122, 122.1, and 122.2.

3  
4 SEC. 123.<sup>7</sup>~~6~~ Notice of Violation. Whenever the  
5 Director finds that discharge of the Industrial Waste is, or  
6 threatens to become, a violation of established requirements,  
7 he shall issue an Order specifying violations, or threatened  
8 violations, and ordering compliance within the time schedule  
9 specified therein.

10  
11 SEC. 123.<sup>8</sup>~~7~~ Time Schedule. In considering the time  
12 schedule, the Director will give consideration to: (a) the  
13 severity of the violation in terms of the effect of the dis-  
14 charge upon the Sewerage System; (b) economic factors includ-  
15 ing the relative cost of remedial measures required to achieve  
16 compliance within different time intervals, and (c) time re-  
17 quired to construct any improvement required to effect compli-  
18 ance.

19  
20 SEC. 123.<sup>9</sup>~~8~~ Progress Reports. The Director may  
21 require the Discharger to submit periodic progress reports on  
22 the corrective work.

23  
24 SEC. 123.<sup>10</sup>~~9~~ Extension of Time. A Discharger may  
25 X request an extension of time for compliance from the Director.  
26 X The request shall be made in writing and will be considered at  
27 X a public hearing.

28  
29 SEC. 123.<sup>11</sup>~~10~~ Permits. The Discharger before com-  
30 mencing or proceeding with any construction, alteration or  
31 operation, shall obtain all permits required by law for the  
32 construction or installation of sampling facilities or cor-

1 rective facilities, or operation permits. Such permits may  
2 include, but are not limited to, excavation, plumbing, building,  
3 electrical or public health.

4  
5 SEC. 123.<sup>.12</sup>~~11~~ Notice of Hearing. A written notice  
6 setting forth the date of the hearing shall be sent to the  
7 Discharger by certified mail 30 days in advance of the  
8 hearing. The notice shall advise the Discharger that he will  
9 be afforded an opportunity to present at the hearing reasons  
10 why an Order should not be passed.

11  
12 SEC. 123.<sup>.13</sup>~~12~~ Passing of the Order. At the con-  
13 clusion of the hearing the Director may pass an Order for  
14 compliance. Said Order shall become effective 10 days after  
15 date of mailing.

16  
17 SEC. 123.<sup>.14</sup>~~13~~ Appeals of Orders and Variances. A  
18 period of 10 days will be allowed after the date of the Order  
19 within which time the Discharger may appeal the action of the  
20 Director to the Industrial Waste Review Board.

21  
22 SEC. 123.<sup>.15</sup>~~14~~ Serious and Immediate Hazards. Not-  
23 withstanding the provisions of any other section of this Arti-  
24 cle, whenever in the judgment of the Director it appears that  
25 a waste discharge is causing any condition constituting a haz-  
26 ard to the life, health or safety of any person, or to the  
27 Sewerage System, the Director is empowered to hold hearing  
28 within 48 hours.

29  
30 SEC. 123.<sup>.16</sup>~~15~~ Director May Adopt Rules and Regula-  
31 tions. After a public hearing the Director may adopt rules and  
32 regulations supplemental to this Article and not in conflict

1 with the intent therewith provided they are generally accepted  
2 or in conformity with requirements set by other agencies. These  
3 are subject to re-examination and change if at any time such  
4 rules and regulations are found to be not in conformance with  
5 the intent or requirements of this Article.  
6

7 DIVISION 5 - INDUSTRIAL WASTE REVIEW BOARD  
8

9 SEC. 124. Industrial Waste Review Board. There is  
10 hereby created an Industrial Waste Review Board which shall  
11 consist of five members who are not employed in any public  
12 agency and who are knowledgeable <sup>of</sup> or engaged in activities re-  
13 lated to water pollution abatement. Membership of the Board  
14 shall be selected from qualified persons who have had not less  
15 than five years of professional experience relating to water  
16 pollution abatement in the disciplines of Mechanical Engineering,  
17 Civil Engineering with Sanitary Engineering experience, Chemical  
18 Engineering, Chemistry, Marine Biology, or instruction at  
19 University level in the field of Engineering or Science. Members  
20 of the Board will serve on a call on a per diem basis. The  
21 Chief Administrative Officer will appoint the five members for  
22 a four-year term, provided that the initial appointments of two  
23 members shall be for a two-year period, two members for a three-  
24 year period and one member for a four-year period. Succeeding  
25 four-year appointments shall be made at the expiration of the  
26 initial appointments. The members so chosen will be the voting  
27 members of the Board. The City Engineer and Superintendent,  
28 Bureau of Water Pollution Control, or their designated repre-  
29 sentatives shall be ex-officio members of the Board, partici-  
30 pating in the deliberations of the Board without vote or com-  
31 pensation. The Director shall appoint a member of his staff to  
32 act as secretary of the Board.

1           SEC. 124.1   Compensation. Members of the Board  
2 shall receive compensation of \$50 for each four-hour period,  
3 or a fraction thereof, that the Board is convened.  
4

5           SEC. 124.2   Quorum. Three voting members of the  
6 Board shall constitute a quorum. Any action of the Board shall  
7 require three concurring votes.  
8

9           SEC. 124.3   Powers of the Board. The Board shall  
10 have the power to hear and decide appeals from actions of the  
11 Director. Upon hearing of any appeal taken pursuant to this  
12 Section, the Board may, subject to the same limitations as are  
13 placed upon the Director by this Article, approve, disapprove  
14 or modify the decision appealed from, in conformity with the  
15 following requirements:

16           (a) In the case of a variance application, the Board  
17 shall specify in its findings, as part of a written  
18 decision, facts sufficient to establish wherein the  
19 application meets or does not meet, as the case may  
20 be, the requirements set forth in Section 123.6, and,  
21 if the requirements are deemed to be met, the Board  
22 shall prescribe the details and conditions of the  
23 variance.

24           (b) In the case of any order, requirement, decision of  
25 the Director, other than a variance, if the deter-  
26 mination of the Board differs from that of the  
27 Director, it shall, in a written decision, specify  
28 wherein there was error in interpretation of the  
29 provisions of this Article, abuse of discretion on  
30 the part of the Director, or other basis for revi-  
31 sion and shall specify in its findings, as part of  
32 such written decision, the facts relied upon in

1 arriving at its determination.

2  
3 SEC. 124.4 Request for Review by Board.

- 4 (a) General. A discharger may file an appeal from the  
5 Director's Order by requesting a review by the  
6 Board. Upon receipt of the request and the deposit  
7 of the fee specified in Section 125.1, the secretary  
8 of the Board shall schedule the request for hearing.
- 9 (b) Notice of Appeal. Any appeal under this section  
10 shall be taken by filing written notice of appeal  
11 with the Board within 10 days after the date of the  
12 Order of the Director.
- 13 (c) Contents. Any notice of appeal, filed pursuant to  
14 this section shall set forth specifically wherein  
15 it is alleged that there was error in interpretation  
16 of the provisions of this Article or abuse of dis-  
17 cretion on the part of the Director.
- 18 (d) Hearing. The procedure and requirements for the  
19 transmittal of the record notice of hearing, and  
20 hearing in connection with any appeal under this  
21 Section shall be prescribed by the Board.

22  
23 SEC. 124.5 Hearing Procedure. Hearings by the  
24 Board shall be held at the call of the secretary of the Board  
25 and at such times as the Board may determine and shall be  
26 conducted in accordance with the following procedure:

- 27 (a) The date of the hearing shall be not less than one  
28 week nor more than four weeks after receipt of  
29 appeal by the secretary of the Board.
- 30 (b) The Director will present the evidence and the pro-  
31 ceedings of this hearing and state the action he  
32 recommends. The Discharger may present any informa-

tion which might influence the decision. The Director will indicate whether or not he wishes to modify his recommendation in view of additional information submitted by the Discharger.

(c) The Board must make a final decision within 90 days from the date of filing the Notice of Appeal, and shall communicate its decision to the Director and Discharger in writing. No response from the Board within 90 days will constitute automatic approval of the Director's recommendations.

(d) The Board shall designate a competent phonographic reporter as official reporter of the Board. The reporter shall attend all hearings of the Board and shall take down by phonographic report all testimony, the objections made, the rulings of the Board, and all statements and remarks made, oral instructions given by the Board and the voting on all cases heard by the Board. The fees for the reporter for reporting all of the proceedings and testimony as outlined above shall be a legal charge against the City and County of San Francisco. When requested to do so by any party or parties in writing, the official reporter must, within a reasonable time after the request has been made, transcribe such specific portions as may be requested and certify to the same as being correctly reported and transcribed. A copy of the transcript shall also be furnished the Director. The fees for such transcriptions shall be at the expense of the party requesting the transcript thereof and the fees shall be as prescribed by Government Code Section 69950.



DIVISION 6 - FEES AND REIMBURSEMENTS

SEC. 125. Payment of Fees and Reimbursements.

All fees and reimbursements shall be payable to the City and shall be delivered to the Department of Public Works, Central Permit Bureau.

SEC. 125.1 Description of Fees.

- (a) Waste Discharge Report Fee. A fee, which must accompany the Waste Discharge Report, for the cost of the City's investigation and processing of the Report.
- (b) Industrial Waste Review Board Filing Fee. A fee of \$200 must accompany any appeal from the Director's Order.
- (c) Self-Monitoring Program Review Fee. An annual fee, to be paid by those Dischargers who have been requested to maintain a self-monitoring program, to defray the administrative and other costs of reviewing the Discharger's self-monitoring reports.
- (d) Industrial Waste Inspection Fee. An annual fee to be paid by all Dischargers except those who have been requested to maintain a self-monitoring program, to defray the administrative and other costs of the City's industrial waste program.

SEC. 125.2 Schedule of Fees.

Type of Fee	5000 cu.ft. or less/per month	30,000 cu.ft. or more/per month
a) Waste Discharge Report Fee	\$100	\$600
b) Self-Monitoring Program Review Fee	25	150
c) Industrial Waste Inspection Fee	10	60

1 For any amount of monthly water consumption between  
2 5,000 cubic feet and 30,000 cubic feet, the fee will be in-  
3 creased over the minimum in direct portion to the amount of  
4 additional water consumption over 5,000 cubic feet.

5  
6 DIVISION 7 - PENALTIES, ENFORCEMENT AND SEVERABILITY

7  
8 SEC. 126. Accidental Discharge. The accidental  
9 discharge of any waste that reaches the Sewerage System shall  
10 be reported to the Director by the Discharger immediately and  
11 in the most expeditious manner. Although no penalty, as such,  
12 will be levied as a result of such accidental discharge, it  
13 shall be understood that the Discharger shall not be relieved  
14 of his responsibilities and shall be liable for any expense,  
15 loss or damage occasioned the City by reason of such accidental  
16 discharge. A discharge from the same source occurring more than  
17 twice per year shall not be considered accidental.

18  
19 SEC. 126.1 Damage to Sewerage System. No Person  
20 shall maliciously, wilfully, or negligently break, damage,  
21 destroy, deface, or tamper with any structure, appurtenance,  
22 or equipment which is a part of the Sewerage System. Any  
23 Person violating this provision shall be subject to immediate  
24 arrest under charge of disorderly conduct.

25  
26 SEC. 126.2 Penalty for Violations. Any Person,  
27 the owner or his authorized agent, who violates, disobeys,  
28 omits, neglects, or refuses to comply with, or who resists or  
29 opposes the execution of any of the provisions of this Article,  
30 shall be guilty of a misdemeanor, and upon conviction thereof  
31 shall be punished by a fine not exceeding five hundred dollars  
32 (\$500.00), or by imprisonment, unless otherwise provided in

1 this Article, and shall be deemed guilty of a separate  
2 offense for each day such violation, disobedience, omission,  
3 neglect or refusal shall continue. Any Person who shall do  
4 any work in violation of any of the provisions of this Article,  
5 and any Person having charge of such work who shall permit it  
6 to be done, shall be liable to the penalty provided.

7  
8 SEC. 126.3 Wilful Violation. Any Discharger,  
9 purposely dumping pollutants or diluting waste discharged into  
10 the City's Sewerage System in an attempt to avoid the intent  
11 of this Industrial Waste ordinance, shall be considered in wil-  
12 ful violation of the ordinance and shall be subject to a fine  
13 and imprisonment for each violation. Each day in which any  
14 violation shall continue shall be deemed a separate offense.

15  
16 SEC. 126.4 Abatement of Discharge. Exclusive of  
17 the civil and penal remedies provided in Sections 126.2 and  
18 126.3, when in the judgment of the Director, the Discharger has  
19 not demonstrated satisfactory progress towards compliance of  
20 the Order, by being in violation of the time schedule, including  
21 any stipulated intermediate schedules towards full compliance,  
22 the Director is authorized after written notice to the Discharge:  
23 by certified mail 30 days in advance of such action, to sever or  
24 plug the connection from the Discharger's side sewer to the  
25 Sewerage System or cause the water service to the premises of  
26 the Discharger to be shut off.

27  
28 SEC. 126.5 Supplemental Enforcement Action.  
29 The Director may call upon the District Attorney to institute  
30 and pursue any necessary legal proceedings in order to enforce  
31 the provisions of this Article, the Director of Public Health  
32 to abate a public nuisance or health hazard resulting from any

1 discharge, the City Attorney to maintain an action for in-  
2 junction to abate any discharge or cause the correction or  
3 removal of any violation of this Article.

4  
5 SEC. 125<sup>6</sup> Severability. If any section, sub-  
6 section, subdivision, paragraph, sentence, clause, or phrase  
7 of this Article or any part thereof, is for any reason held to  
8 be unconstitutional or invalid or ineffective by any court of  
9 competent jurisdiction, such decision shall not affect the  
10 validity or effectiveness of the remaining portions of this  
11 Article or any part thereof. The Board of Supervisors hereby  
12 declares that it would have passed each section, subsection,  
13 subdivision, paragraph, sentence, clause, or phrase thereof,  
14 irrespective of the fact that any one or more sections, sub-  
15 sections, subdivisions, paragraphs, sentences, clauses, or  
16 phrases be declared unconstitutional or invalid or ineffective. X

17  
18 SEC. 125<sup>7</sup> Effective Date. This Article shall become  
19 effective upon passage as provided in Section 16 of the Charter  
20 except that as to fees imposed by this Article; said fees shall  
21 become operative and be imposed on July 1 1971. X

22  
23 SECTION 2. Commencing with Sections 118 to and in-  
24 cluding Section 140, of Article 4, Part II, Chapter X of the  
25 San Francisco Municipal Code (Public Works Code) is hereby  
26 repealed.

27  
28 SECTION 3. Nothing contained in this or the pre-  
29 ceding sections shall be construed as abating any action now  
30 pending under or by virtue of any ordinance of the City here-  
31 in repealed; or as discontinuing, abating, modifying or alter-  
32 ing any penalties accruing, or to accrue, or as waiving any

1 right of the City under any ordinance regulating in force at  
2 the time of passage of this ordinance.

3  
4 Approved: Recommended:  
5  
6 Keene Fraaschna Mr. Palarca  
7 Superintendent, Bureau of Director of Public Works  
8 Water Pollution Control

9 and  
10 Robert C. Long John J. Miller  
11 City Engineer Chief Administrative Officer  
12

13 Approved as to form:  
14 Thomas M. O'Connor  
15 City Attorney

16 by  
17 Robert A. Kennedy  
18 Deputy City Attorney  
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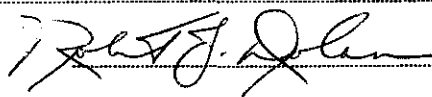
Passed for Second Reading—Board of Supervisors,

San Francisco, **JAN 18 1971**

Ayes: Supervisors ~~Barbagelata~~, Boas, Driscoll, Feinstein, Francois, Gonzales, Mailliard, Mendelsohn, Pelosi, Tamaras, von Beroldingen.

~~Noes: Supervisors~~

Absent: Supervisor **BARBAGELATA**

 Clerk

**287-70-1**  
File No.

**JAN 26 1971**

Approved

Read Second Time and Finally Passed—Board of Supervisors,

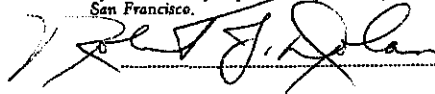
San Francisco, **JAN 25 1971**

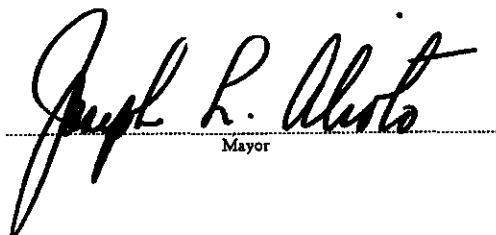
Ayes: Supervisors ~~Barbagelata~~, Boas, Driscoll, Feinstein, Francois, Gonzales, Mailliard, Mendelsohn, Pelosi, Tamaras, von Beroldingen.

~~Noes: Supervisors~~

Absent: Supervisor **BARBAGELATA**

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

 Clerk

  
Mayor